

Remarks

Applicants have canceled claims 60-70, without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by the cancelled claims in future divisional or continuation applications. Upon entry of the present amendment, claims 35-54 are pending; claims 35-54 have been allowed. Applicants respectfully request reconsideration of the pending rejections in view of the following remarks.

I. Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 60-70 under 35 U.S.C. § 112, first paragraph as allegedly not complying with the enablement or written description requirements. *See* Paper No. 032904, pages 2-4. In particular, while the Examiner agrees that the specification is “enabling for polypeptides *consisting* of portions of SEQ ID NO: 2 that may or may not also include heterologous sequences,” the Examiner notes that the rejection is being made because it “does not reasonably provide enablement for a genus of polypeptides that *comprise* only portions of SEQ ID NO: 2.”

Applicants respectfully disagree, and maintain that claims 60-70, as previously pending, complied with 35 U.S.C. § 112, first paragraph. However, as noted above, Applicants have canceled claims 60-70, thereby obviating the instant rejection. Accordingly, Applicants respectfully request that the rejection of claims 60-70 under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

Conclusion

Applicants respectfully request the amendments and remarks of the present response be entered and made of record in the present application. In view of the foregoing amendments and remarks, Applicants believe they have fully addressed the Examiner's concerns and that this application is now in condition for allowance. An early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the allowance of this application.

Applicants believe that there are no fees due in connection with the filing of this paper. However, should a fee be due, please charge the fees to our Deposit Account No. 08-3425.

Dated: April 27, 2004

Respectfully submitted,

By 

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